

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ARTURO RIVERA,

Petitioner,

v.

STATE OF NEVADA,

Respondent.

Case No. 2:24-cv-01072-RFB-BNW

ORDER

This action is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Arturo Rivera, an individual incarcerated at Nevada's High Desert State Prison. On June 7, 2024, the Court received from Rivera a pro se Petition for Writ of Habeas Corpus (ECF No. 1-1) and a Motion for Appointment of Counsel (ECF No. 1-3).

Rivera has not paid the filing fee for this action, and he has not filed a proper application to proceed in forma pauperis. See LSR 1-1, 1-2. The Court will, however, suspend the matter of payment of the filing fee. The Court will set a deadline for Rivera to pay the \$5 filing fee or file an in forma pauperis application after counsel appears on his behalf.

Prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances indicate that appointed counsel is necessary to prevent due process violations. Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing Kreiling v. Field, 431 F.2d 638, 640 (9th Cir. 1970) (*per curiam*). The court may, however, appoint counsel at any stage of the proceedings if the interests of justice so require. See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases; Chaney, 801 F.2d at 1196. Rivera's filings indicate that this action may be complex and that Rivera will not be able to litigate this action pro se. The Court finds that appointment of counsel is in the interests of justice. The Court will grant Rivera's Motion for Appointment of Counsel.

1 The Court has examined Rivera's habeas petition, pursuant to Rule 4 of the Rules
2 Governing Section 2254 Cases in the United States District Courts and determines that it merits
3 service upon the respondents. The Court will order the petition served upon the respondents, and
4 will direct the respondents to appear, but will not require any further action on their part at this
5 time.

6 **IT IS THEREFORE ORDERED** that the Clerk of the Court is directed to separately file
7 the Petition for Writ of Habeas Corpus, and the Motion for Appointment of Counsel.

8 **IT IS FURTHER ORDERED** that Petitioner's Motion for Appointment of Counsel is
9 **GRANTED**. The Federal Public Defender for the District of Nevada (FPD) is appointed to
10 represent the petitioner. If the FPD is unable to represent the petitioner, because of a conflict of
11 interest or for any other reason, alternate counsel will be appointed. In either case, counsel will
12 represent the petitioner in all federal court proceedings relating to this matter, unless allowed to
13 withdraw.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to electronically
15 serve upon the FPD a copy of this order, together with a copy of the Petition for Writ of Habeas
16 Corpus.

17 **IT IS FURTHER ORDERED** that the FPD will have 30 days from the date of this order
18 to file a notice of appearance or to indicate to the Court its inability to represent the petitioner in
19 this case.

20 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to add Aaron Ford,
21 Attorney General of the State of Nevada, as counsel for Respondents and to provide Respondents
22 an electronic copy of all items previously filed in this case by regenerating the Notice of Electronic
23 Filing to the office of the Attorney General only.

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1 **IT IS FURTHER ORDERED** that the respondents will have 30 days from the date of
2 this order to appear in this action. Respondents will not be required to respond to the habeas
3 petition at this time.

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5 **DATED:** April 8, 2025.

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**RICHARD F. BOULWARE, II,
UNITED STATES DISTRICT JUDGE**